

## Article - Natural Resources

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§8–410.

(a) If the prohibitions of § 8–408 of this subtitle or of any regulation that the Secretary adopts for the Scenic and Wild Rivers Program would constitute a taking of a property right without just compensation in violation of the Constitution of the United States or the Maryland Constitution, funds under Program Open Space may be used to purchase or otherwise pay for any property that is taken, providing that the acquisition has been previously approved by the General Assembly.

(b) (1) As to any water or land areas within that portion of the Youghiogheny River that is designated by § 8–408(a) of this subtitle as a wild river, funds under the open space program may be used to purchase any restriction, whether drafted in the form of an easement, covenant, or condition, that prohibits or limits the use of any of the water or land areas or any improvement or appurtenance to the water or land areas for any of the purposes listed in § 2–118(b) of the Real Property Article.

(2) The restriction creates an incorporeal property interest in the water or land areas or the improvement or appurtenance to the water or land areas, so restricted, that is enforceable in both law and equity in the same manner as an easement or servitude with respect to the water or land areas or the improvement or appurtenance to the water or land areas, if the restriction is executed in compliance with the requirements of the Real Property Article for the execution of deeds or the Estates and Trusts Article for the execution of wills.

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